

FILED

AUG 01 2016

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
CAPE GIRARDEAU

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

JUSTIN L. SCHMIDT,)
Plaintiff,)
v.) No. 4:16-CV-160 SNLJ
ROBERT WILLOUGHBY, et al.,)
Defendants,)

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for extension of time to pay the initial partial filing fee and to add parties by interlineation. The motion is granted in part and denied in part.

Plaintiff says that he does not have enough money in his prison account to pay the \$4.50 initial partial filing fee at this time. Plaintiff's prison account statement shows that he maintains a low monthly balance unless friends or relatives deposit money into his account. As a result, the Court will require only that plaintiff submit an initial partial filing fee of \$1.00 by August 22, 2016.

Plaintiff seeks to name several of the John Doe defendants by interlineation. This is not permitted. Plaintiff must file an amended complaint that names all of the defendants and each and every one of his claims against them.

Plaintiff is warned that the filing of an amended complaint replaces the original complaint, and so he must include each and every one of his claims in the amended complaint. E.g., *In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005). Any claims from the original complaint that are not included in

the amended complaint will be considered abandoned. *Id.* Plaintiff must allege how each and every defendant is directly responsible for the alleged harm. In order to sue defendants in their individual capacities, plaintiff must specifically say so in the complaint. If plaintiff fails to sue defendants in their individual capacities, this action may be subject to dismissal.

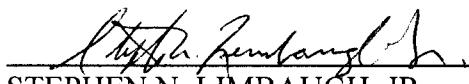
Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for extension of time to pay the initial partial filing fee and to add parties by interlineation is **GRANTED** in part and **DENIED** in part. [ECF No. 7]

IT IS FURTHER ORDERED that plaintiff must pay a partial initial filing fee of \$1.00 no later than **August 22, 2016**.

IT IS FURTHER ORDERED that plaintiff's request to add parties is **DENIED** without prejudice.

Dated this 17 day of August, 2016.


STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE